



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

PLANNING COMMISSION

*Promoting the wise use of land
Helping build great communities*

MEETING DATE October 13, 2016	CONTACT/PHONE Jo Manson 781-4660/jmanson@co.slo.ca.us	APPLICANT Grande Nipomo, LLC	FILE NO. SUB2006-00205
SUBJECT A request for a first time extension by Grande Nipomo, LLC for Vesting Tentative Tract Map (Tract 2923) and a Conditional Use Permit (SUB2006-00205) to subdivide an existing, approximately 1.14 acre parcel into a seventeen (17) unit multi-family residential planned development which will result in seventeen (17) residential parcels, ranging in size from 1,325 SF to 1,638 SF; and one (1) common area parcel (25,841 SF in size). The proposed project is within the Residential Multi-Family land use category and is located at the southeast corner of Avenida de Amigos and Grande Avenue, approximately 200 feet west of South Frontage Road, in the community of Nipomo. The site is in the South County Sub-area of the South County (Inland) Planning Area.			
RECOMMENDED ACTION Approve the first time extension request for Vesting Tentative Tract Map 2923 and Conditional Use Permit.			
ENVIRONMENTAL DETERMINATION A Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) was issued on June 26, 2014 for this project. The Negative Declaration was approved by the Planning Commission on August 28, 2014.			
LAND USE CATEGORY Residential Multi-Family	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 092-142-034	SUPERVISOR DISTRICT(S) 4
PLANNING AREA STANDARDS: <u>22.98.070 South County Planning Area Standards: Area Wide- Edge of Nipomo Mesa & Circulation Planning; Nipomo Mesa Water Conservation Area. 22.108.040 Nipomo Urban Area Standards: Community Wide - Connection to Community Sewers, Right-of-Way Requirements for Residential Categories, Nipomo Lowland Areas; Residential Multi-Family - Density Limitations, Permit Requirements, Site Planning Criteria, Subdivision Requirements, Minimum Setbacks, & Road Dedication Requirements</u>			
LAND USE ORDINANCE STANDARDS: 22.10.060 – Exterior Lighting; 22.10.080 - Fencing and Screening, 22.10.090 - Height; 22.10.110 – Minimum Site Area; 22.10.120 - Noise; 22.10.130 - Residential Density; 22.10.140 - Setbacks; 22.10.150 – Solid Waste Collection and Disposal; 22.12.080 – Inclusionary Housing; Chapter 22.16 - Landscaping, Chapter 22.18 - Parking and Loading; Chapter 22.22 - Subdivision Design; 22.22.145 – Planned Development; Chapter 22.50 - Fire Safety; Chapter 22.52 - Grading and Drainage; Chapter 22.54 – Street and Frontage Improvements; 22.62.060 – Conditional Use Permits; 22.70.030 – Adjustments; Chapter 13.20 - Road Extension Agreements; Title 21, Real Property Division Ordinance			
EXISTING USES: Vacant – existing drainage basin.			
SURROUNDING LAND USE CATEGORIES AND USES: North: Commercial Retail / undeveloped East: Residential Multi-Family / residences South: Residential Multi-Family / residences West: Residential Multi-Family / residences			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: Tentative vesting tract map and conditional use permit were originally referred to South County Advisory Council, Building Department, Public Works, Environmental Health, County Parks, Cal Fire / County Fire, Nipomo Community Services District, Air Pollution Control District (APCD), Cal Trans, PG&E and Regional Water Quality Control Board (RWQCB).			
TOPOGRAPHY: Nearly level		VEGETATION: Grasses and shrubs	
PROPOSED SERVICES: Water supply: Community System Sewage Disposal: Community sewage disposal system Fire Protection: Cal Fire		ACCEPTANCE DATE: N/A	
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242</small>			

TIME EXTENSION REQUEST/PROJECT DESCRIPTION

Vesting Tentative Tract Map 2923 and Conditional Use Permit were approved by the Planning Commission on August 28, 2014 and is set to expire on August 28, 2016. On August 3, 2016, the applicant requested the **first one year time extension and paid the extension application fee**. If a time extension request is submitted on or before the expiration date, it remains valid until acted on by the decision making body. (A time extension for a tentative map also extends the life of the related conditional use permit if it is required as a part of the subdivision process).

Vesting Tentative Tract Map 2923 and Conditional Use Permit is a request by Grande Nipomo, LLC for Vesting Tentative Tract Map (Tract 2923) and a concurrent Conditional Use Permit (SUB2006-00205) to subdivide an existing, approximately 1.14 acre parcel into a seventeen (17) unit multi-family residential development and authorization to require a road reimbursement agreement with the County for potential future reimbursement of the cost of road improvements at the intersection of Grande Avenue and Avenida de Amigos and along Grande Avenue in accordance with Chapter 13.20 (Road Extension Agreements) of Title 13 of the San Luis Obispo County Code. The subdivision is a planned development which will result in seventeen (17) residential parcels, ranging in size from 1,325 SF to 1,638 SF; and one (1) common area parcel (25,841 SF in size). The common area parcel will include the project's common and shared areas, such as the access driveways, drainage facilities, open space, and visitor parking. The residential planned development will consist of five (5) two story buildings, with three (3) to four (4) units per building. The project includes off-site road improvements to Avenida de Amigos and Grande Avenue. The project will result in the disturbance of the entire 1.14 acre parcel.

This vesting tentative map is not yet ready to record. Additional time is necessary to comply with the conditions of approval. Time extensions for vesting tentative maps are discretionary; however, they have historically been processed as an administrative action and placed on the consent agenda for notification purposes for both the Planning Commission and the public.

DISCUSSION

The Subdivision Map Act & Real Property Division Ordinance

The Subdivision Map Act provides that a conditionally approved vesting tentative map shall expire twenty-four (24) months after its conditional approval. The original expiration date was August 28, 2016. With recent amendments, the Subdivision Map Act now allows up to six (6) one year discretionary time extensions (without legislative time extensions). The applicant must request each of the *discretionary* time extensions. This request is the applicant's **first discretionary one year time extension request**.

The Subdivision Map Act was amended in 2008, 2009, 2011 and 2013 to provide tentative maps with "automatic, state-mandated" extensions that are above and beyond the six (6) one year time extensions. Vesting Tentative Tract 2923 and Conditional Use Permit do not qualify for any of these extensions. The most recent extension, Assembly Bill 116 (California Government Code Section 66452.24(a)), allows a twenty four (24) month extension if a tentative map was approved after January 1, 2000 and had not expired on July 15, 2013 and will expire between July 15, 2013 and January 1, 2016. Vesting Tentative Tract 2923 and Conditional Use Permit were tentatively approved on August 28, 2014.

Staff Determination and Recommendation

This time extension request has been reviewed by staff. It complies with The Subdivision Map Act and Section 21.06.010 of the Real Property Division Ordinance, and remains in compliance with the General Plan and County ordinances.

After review of the vesting tentative map, staff recommends to the Planning Commission that the **first one year time extension** be granted to August 28, 2017 subject to the conditions of approval set by the Planning Commission on August 28, 2014 in accordance with Resolution No. 2014-017.

ATTACHMENTS

Attachment 1 - Project Graphics

Attachment 2 - Planning Commission Resolution No. 2014-017

Staff report prepared by Jo Manson and reviewed by Terry Wahler, Senior Planner.